

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: ENGINEERING DEPARTMENT/TRAFFIC DIVISION

AGENDA DATE: MAY 3, 2005

CONTACT PERSON/PHONE: TED MARQUEZ/ 541-4035 C.M.

DISTRICT(S) AFFECTED: CITY-WIDE

SUBJECT: ORDINANCE

AN ORDINANCE TO AMEND TITLE 19 (SUBDIVISIONS) OF THE EL PASO MUNICIPAL CODE, CHAPTER 19.16 (IMPROVEMENT STANDARDS AND DESIGN PRINCIPLES), SECTION 19.16.030 (STREET LIGHTING) TO ENSURE CONSISTENCY WITH THE OUTDOOR LIGHTING ORDINANCE, TO AMEND SECTION 8 (STREET LIGHTING) OF APPENDIX A TO TITLE 19 TO PROVIDE THAT LIGHTING STANDARDS SHALL BE AS ON FILE WITH THE CITY ENGINEER, AND TO AMEND CHAPTER 19.04 (GENERAL PROVISIONS) SECTION 19.04.100 (SUBDIVISION IMPROVEMENT DESIGN STANDARDS) TO ELIMINATE CONFLICT WITH THE PROPOSED AMENDMENT TO SECTION 8 OF APPENDIX A OF TITLE 19. THE PENALTY IS AS PROVIDED IN 19.04.190 OF THE EL PASO MUNICIPAL CODE.

BACKGROUND / DISCUSSION: To ensure consistency with the outdoor lighting ordinance.

PRIOR COUNCIL ACTION: N/A

AMOUNT AND SOURCE OF FUNDING: N/A

BOARD / COMMISSION ACTION: N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 19 (SUBDIVISIONS) OF THE EL PASO MUNICIPAL CODE, CHAPTER 19.16 (IMPROVEMENT STANDARDS AND DESIGN PRINCIPLES), SECTION 19.16.030 (STREET LIGHTING) TO ENSURE CONSISTENCY WITH THE OUTDOOR LIGHTING ORDINANCE, TO AMEND SECTION 8 (STREET LIGHTING) OF APPENDIX A TO TITLE 19 TO PROVIDE THAT LIGHTING STANDARDS SHALL BE AS ON FILE WITH THE CITY ENGINEER, AND TO AMEND CHAPTER 19.04 (GENERAL PROVISIONS) SECTION 19.04.100 (SUBDIVISION IMPROVEMENT DESIGN STANDARDS) TO ELIMINATE CONFLICT WITH THE PROPOSED AMENDMENT TO SECTION 8 OF APPENDIX A OF TITLE 19. THE PENALTY IS AS PROVIDED IN 19.04.190 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Ordinance 15996, adopted on February 8, 2005, provides for certain outdoor lighting standards; and

WHEREAS, street lighting is included as a non-exempt lighting type; and

WHEREAS, a revision of certain language found in 19.16.030 of the El Paso Municipal Code will aid in clearly conveying and effectuating the intent of the Outdoor Lighting Ordinance; and

WHEREAS, it is preferable that street lighting subdivision improvement design standards be on file with the City Engineer where efficiency of periodic amendment is increased; and

WHEREAS, the City Plan Commission has provided favorable recommendation, and the El Paso City Council finds that the amendments proposed herein will not adversely affect the health, safety, and welfare of the citizens of El Paso.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:

1. That Title 19 (Subdivisions), Section 19.16.030 (Street Lighting) is hereby deleted in its entirety and replaced as follows:

19.16.030 Street lighting.

A. Requirement.

1. The subdivider shall furnish and install street lights along all public and private streets, whether within the corporate limits or within the extraterritorial jurisdiction. Such street lights shall comply with the City of El Paso lighting ordinance found at 18.18 of the El Paso Municipal

Code. The following standards shall apply in determining the number of street lights required, and are based on approved standards of the American National Standards Institute and the Illuminating Engineering Society of North America, a copy of which is maintained by the city engineer:

Street Type	Required Spacing	Pole Type	Lamp Type	Height
Local streets	At intervals of not more than three hundred feet	Wood or metal	100 watt high pressure sodium	30 feet
Collector arterials	At intervals of not more than three hundred feet	Wood or metal	100 watt high pressure sodium	30 feet

2. The number of required street lights shall be equal to the total linear footage between street intersections divided by the required spacing. Fractions of street lights shall be rounded to the next whole number when the fractional amount is equal to or exceeds 0.50; fractional amounts less than 0.50 shall not require an additional street light.

3. Street lights shall be placed at approximately equal intervals between intersections and shall be subject to the approval of the city engineer.

4. Cobra head lamps with full cutoff, or an approved alternate, shall be provided on street lighting fixtures, except that other lamp types may be permitted where custom lighting is approved by the city engineer. However, all such lighting shall be compliant with the City of El Paso Outdoor Lighting Ordinance.

5. There shall be no requirement for street lighting on a collector arterial shown within the proposed subdivision if the street is serving nonresidential uses; provided, however, that the subdivider shall verify by means of deed restrictions or other legal instrument that the property is restricted for non-residential purposes.

B. Standards.

1. Where required, electrical service easements for overhead or underground electrical services shall be provided as a part of the subdivision approval. The service connections and street light poles shall be installed by the subdivider.

2. The subdivider shall install a one inch Schedule-40 PVC conduit from an approved power source to the site of each approved light pole for local and collector arterial streets. The conduit shall be placed a minimum of three feet below the final grade of the median, or the parkway when no median exists. The conduit shall be capped so as to prevent the intrusion of soil, water or other material. The location of the conduit shall be designated on the curb to facilitate locating the conduit when the pole is installed. Street lights shall be furnished and installed in accordance with the subdivision improvement design standards.

C. Illumination Plan. An illumination plan for all streets within the subdivision, pursuant to the requirements of this section, shall be filed, together with the subdivision improvement plans, as provided in Section 19.08.080. The plan shall show the proposed location of the street lights. The illumination plan shall be subject to the approval of the city engineer within the corporate limits, and of the county engineer within the extraterritorial jurisdiction.

D. City Acceptance of Street Lights.

1. The subdivider shall be responsible for the maintenance and associated cost of electrical energy of the street lights until such lights are accepted by the city or county for maintenance as provided in Section 19.36.010. The city or county shall accept the street lights for maintenance and electrical energy costs at the time it accepts the streets and other public improvements within the subdivision for maintenance.

2. Prior to the acceptance of the street lights for maintenance by the city or county, an amended illumination plan showing the final location of the street lights installed by the subdivider shall be submitted to the city engineer or county engineer.

E. Custom Lighting.

1. General Requirements.

a. The subdivider may elect to provide custom lighting in lieu of the required standard street lighting, subject to the approval of such lighting by the city engineer or county engineer. Custom lighting shall be furnished and installed to meet the approved standards of the American National Standards Institute and the Illuminating Engineering Society of North America.

b. Where custom lighting is approved within the street right-of-way, the city or county shall be liable for the costs of electrical energy of the custom lighting provided that the following conditions are met:

i. A separate rate can be charged to the city or county by the electric utility for the custom lighting proposed; and

ii. The total rate charged to the city or county is equal to or less than the rate for electrical energy for standard street lighting.

c. If a subdivider elects to provide and install custom lighting, a homeowner's association (or other such private entity) shall be created which will be perpetually liable for all costs associated with the maintenance of the lighting fixtures. Where the city or county are not liable for the costs

of electrical energy from the custom lighting as provided in this subsection, the homeowner's association shall also be liable for the electrical energy costs of the custom lighting.

d. An agreement between the city or county and the homeowner's association shall be required which makes adequate provision to indemnify and hold the city or county harmless from any claims which may arise from the custom lighting, whether within or outside of the public right-of-way. The agreement shall provide that the city or county may require that any or all of the installed custom lights be removed, at the homeowner's association expense, when a finding is made by the city council or county commissioners' court based on a recommendation of the city engineer or county engineer that the custom lighting creates a nuisance or is unsafe. Upon such a finding, standard street lighting pursuant to this section shall be required to be furnished and installed to replace the custom lighting.

The city or county shall reserve the right to review and approve all such provisions of the agreement. The agreement shall accompany the subdivision improvement plan submission. Restrictive covenants which include the provisions for continuous lighting and perpetual maintenance of the custom street lights shall be recorded by the subdivider concurrently with the subdivision.

e. Where custom lighting is provided, the subdivider or homeowner's association shall notify the electric utility before any work is commenced at any street light location.

2. Custom Street Lighting Placed Within the Street Right-of-Way. Custom street lighting placed within the street right-of-way, or within a public easement adjacent to the roadway, shall provide an average lumen level of at least 0.6 lumens. The roadway coverage area and intensity shall be at least the level provided by standard street lighting.

3. Custom Street Lighting Placed Outside of the Street Right-of-Way. Custom street lighting placed outside of the street right-of-way, and outside of a public easement adjacent to the roadway, shall provide an average lumen level of at least 0.6 lumens and a horizontal illumination at any point on the roadway of at least 0.4 lumens.

2. That Title 19 (Subdivisions), Appendix A (Subdivision Improvement Design Standards), Section 8 (Street Lighting) of is hereby deleted in its entirety and replaced as follows:

Section 8

Street Lighting

*The City Engineer shall maintain Street Lighting Design Standards which shall be available upon request. All proposed street lighting shall comply with such standards.

3. That Title 19 (Subdivisions), Chapter 19.04 (General Provisions), Section 19.04.100 (Subdivision Improvement Design Standards) is hereby deleted in its entirety and replaced as follows:

19.04.100 Subdivision improvement design standards.

The subdivision improvement design standards, as found in Appendix A, on file in the department of planning, research and development, shall be adopted simultaneously and considered to be a part of these regulations. All required subdivision improvements shall be constructed and installed in accordance with the minimum standards found in the subdivision improvement design standards and any design standards identified in that appendix as on file with the city engineer or planning director . A subdivision, or any portion thereof, which is within a floodplain as identified in the Flood Insurance Rate Maps shall meet any Federal Emergency Management Agency (FEMA) requirements for stormwater drainage facilities. To the extent that there is any conflict between any of the minimum standards provided in the subdivision improvement design standards and the FEMA requirements, the FEMA requirements shall control with respect to floodplain areas.

Amendments proposed to the subdivision improvement design standards shall be subject to the amendment procedures of Section 19.04.090.

4. Except as expressly amended herein, Title 19 (Subdivisions) of the El Paso Municipal Code shall remain in full force and effect.

APPROVED this _____ day of May, 2005.

THE CITY OF EL PASO, TEXAS

ATTEST:

Joe Wardy
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Matt Watson
Assistant City Attorney
Doc No. 11243

APPROVED AS TO CONTENT:

Rick Conner, P. E.
City Engineer

APPROVED AS TO CONTENT:

Ted Marquez
Traffic Engineering Division Manager